



8-28-02

34585-A-PCT-USA (070050.1739)

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fisher *et al.*

Serial No. : 09/937,165 Authorized Officer: Not Yet Assigned

Filed : September 21, 2001 Group Art Unit: Not Yet Assigned

For : IMPROVED EXPRESSION VECTOR FOR CONSISTENT CELLULAR EXPRESSION OF THE TET-ON REPRESSOR IN MULTIPLE CELL TYPES

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STATEMENT

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Washington, D.C. 20231

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Sir:

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Pursuant to the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants respectfully request that the citations relating to the above-mentioned application listed herein and on the accompanying PTO Form 1449 be made of record in the U.S. Patent and Trademark Office. Copies of the 46 citations listed on the accompanying PTO Form 1449 are enclosed. The Examiner's attention is invited to references marked with an asterisk (*), which are deemed to be particularly relevant.

- Blau, H., and Rossi, F.M.V. (1999). Tet B or not tet B: Advances in tetracycline-inducible gene expression. Proc. Natl. Acad. Sci. USA **96**:797-799.

- *2. Gopalkrishnan, R.V., Christiansen, K.A., Goldstein, N.I., DePinho, R.A., and Fisher, P.B. (1999). Use of the human EF-1alpha promoter for expression can significantly increase success in establishing stable cell lines with consistent expression: a study using the tetracycline-inducible system in human cancer cells. Nucleic Acids Res. **27**:4775-4782.
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- *25. Gossen, M., and Bujard, H. (1995). Efficacy of tetracycline-controlled gene expression. influenced by cell type: commentary. BioTechniques **19**:213-216.
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- *33. Gossen, M., Bonin, A.L., Freundlieb, S., and Bujard, H. (1994). Inducible gene expression systems for higher eukaryotic cells" Curr. Opin. Biotechnol. **5**:516-520.
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The submission of this Information Disclosure Statement does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If the Examiner applies

any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

This Information Disclosure Statement is being filed, Applicants believe, before the mailing date of a first Office Action on the merits for the above-referenced application. Therefore, Applicants do not believe that any fee is due connection with the filing of this Statement. However, if any fee is due or overpayment made, the Commissioner is authorized to charge any such fee, and to credit any overpayment, to our Deposit Account No. 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.


Lisa B. Kole
Patent Office Reg. No. 35,225

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(212) 408-2628

Enclosures

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No. 34585-A-PCT-USA
(070050.1739)

Serial No. 09/937,165

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INFORMATION DISCLOSURE STATEMENT
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U.S. PATENT DOCUMENTS

*Exam. Init.		Document No.								Date	Name	Class	Subclass	Filing Date if Appropriate
	*30.	5	4	6	4	7	5	8		11/7/95	Gossen et al.			RECEIVED
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FOREIGN PATENT DOCUMENT

		Document No.								Date	Country	Class	SubClass	Translator Yes No

OTHER DOCUMENTS (including Author, Title Date, Pertinent Pages, Etc.)

1.		Blau, H., and Rossi, F.M.V. (1999). Tet B or not tet B: Advances in tetracycline-inducible gene expression. <u>Proc. Natl. Acad. Sci. USA</u> 96 :797-799.
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Palmiter R.D., Norstedt G., Gelinas R.E., Hammer R.E., and Brinster R.L. (1983).
Metallothionein-human GH fusion genes stimulate growth of mice. Science 222:809-814.

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